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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,465	03/25/2004	Thierry Dupuis	Q80401	6282

7590 01/24/2006

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EXAMINER

HUYNH, NAM TRUNG

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,465	Applicant(s) DUPUIS ET AL.	
	Examiner Nam Huynh	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/25/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll et al. (US 6,611,913) in view of Parker (US 6,124,799).

A. Regarding claim 1, Parker discloses a method for locking communications devices by controlling entities such as a particular service provider, a particular network, a particular reseller, or an individual SIM (column 3, lines 59-62) comprising:

- The purchaser powers up the handset (figure 4, item 104).
- An unlocking or activation request and validation is sent through a call (figure 4, items 106, 108, 110 and column 8, lines 16-44).

Parker discloses that the handset can be locked to several controlling entities; he does not explicitly disclose that it is locked to a manufacturer. However, Parker does disclose that the handset receives from a central facility information capable of being used to transform the unique, secure values of the handset into secure information to the controlling entity (such as the operator, network, reseller, etc) (column 7, lines 38-42).

Rodriguez discloses a method of activating a block of airtime comprising a user contacting the manufacturer of the portable communication unit (column 2, lines 40-44).

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to allow a user to unlock a wireless communications device by sending a request to the manufacturer of the device, as taught by Rodriguez, in the method of Parker, in order to associate the device with a particular network or entity responsible for its manufacture.

B. Regarding claim 2, Parker discloses a step (figure 4, item 112) in which a customer service center that comprises personnel or an automated system collects various information from the user regarding for example, (but without limitation), payment details and service options (column 8, lines 44-48). This step is part of the verification process upon activation of the phone. In the combination of Parker and Rodriguez, a user of the unlocking or activation method of Parker follows the teachings of Rodriguez and directly contacts the manufacturer of the device in order to unlock or activate it. In this configuration, the manufacturer of the wireless communications device is the controlling entity and is the operator of the customer service center and the MSC can be considered as applicant's "operator" because at step 108 (figure 4), Parker discloses that the MSC enters a home location register with the subscriber identification number to determine the validity of the caller (column 8, lines 37-40). Therefore it would have been further obvious to one of ordinary skill in the art at the time the invention was made to have the controlling entity, which is the manufacturer, contact the service carrier, which conducts verification, in order to verify that the user is entitled to unlocking or activation. This verification process would add security because a user could only unlock or activate the wireless communication device on the network or carrier that the device was manufactured for.

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C. Regarding claim 3, Parker discloses a step (figure 3, item 106) in which subscriber information which is read off the SIM is transmitted. Since the identification number is unique for the device, the request would be transparent because the intended device to be unlocked or activated would be used to make the request itself.

D. Regarding claim 4, Parker discloses that the customer service center or other central facility transmits the unlock command (column 11, lines 61-67). In the combination of Parker and Rodriguez, the manufacturer of the wireless communications device is the controlling entity. Therefore it would have been further obvious to one of ordinary skill in the art at the time the invention was made for the manufacturer to send the unlocking information via the carrier or service provider in a manner which the carrier or service provider can identify the device in order to ensure security and proper authentication.

E. Regarding claims 5 and 6, Parker discloses that the customer service center transmits a permanent subscriber information identification number to the handset via MSC and mobile telephone base station (column 8, lines 51-54). Furthermore, the customer service center transmits a modifier value, M_{handset} , which is the single key for all handsets within the operator's control (column 8, lines 60-63). In the system configuration of the combination of Parker and Rodriguez, the manufacturer (customer service center) would transmit a confirmation message (subscriber identification number and M_{handset}) via the MSC (operator). Regarding claim 6, it would further be obvious that the message would be sent to the MSC or "operator" because the message is sent

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via the MSC therefore showing that the message is sent to both components of the system.

F. Regarding claim 7, Parker discloses that once the customer service center transmits the subscriber identification number and modifier value (M_{handset}), the handset must re-register with the telephone base station and MSC using the new information (columns 8-9, lines 60-67, 1-18). Therefore showing different values for M_{handset} being sent to the MSC and the handset or else a re-registering procedure would not be necessary.

G. Regarding claim 8, Parker discloses that the transmission of the permanent subscriber information identification number is sent using an available messaging function, such as GSM short messaging service (SMS), or similar capability available under an alternative mobile telecommunications standard (column 8, lines 54-57).

Conclusion

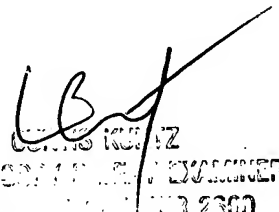
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NTH
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